

Cherry, J

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NAFISSATOU DIALLO ,

Plaintiff,

v.

DOMINIQUE STRAUSS-KAHN

Defendant.
-----X

STIPULATION WITHDRAWING
SUBPOENA DUCES TECUM

12 Civ. 6540 (PAC)

Index No. 307065/11
(Supreme Court of the State
of New York, County of Bronx)

WHEREAS, on July 19, 2012, plaintiff Nafissatou Diallo ("Diallo") obtained a subpoena duces tecum, so ordered by the Honorable Douglas E. McKeon, J.S.C., in the Supreme Court of the State of New York, County of Bronx (the "State Court Subpoena"), in a civil action brought by Diallo against Dominique Strauss-Kahn ("Strauss-Kahn"), commanding the production of the records from the United States Immigration and Customs Enforcement ("ICE" or the "Government")); and

WHEREAS, on August 27, 2012, the Government removed the July 19, 2012, subpoena matter to this Court; and

WHEREAS, on August 28, 2012, Diallo submitted a request to ICE for the same records that are the subject of the July 19, 2012, subpoena, pursuant to the ICE *Touhy* regulations. See *United States ex rel Touhy v. Ragen*, 340 U.S. 462 (1951); 6 C.F.R. §5.43 *et seq.*; and

WHEREAS, on October 5, 2012, the Government provided Diallo with all the records requested in her *Touhy* request and by the July 19, 2012, subpoena;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Diallo and the Government, by their respective counsel, as follows:

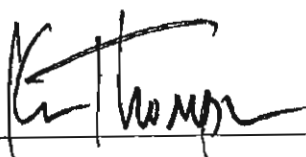
1. Diallo hereby withdraws the subpoena duces tecum, dated July 19, 2012, and issued by the Supreme Court of the State of New York, County of Bronx.
2. The above-captioned subpoena matter in this Court is dismissed with prejudice, and without costs or attorneys' fees to either Diallo or the Government.
3. Diallo and the Government agree that this Stipulation contains the entire agreement between them, and that no statements, representations, promises, agreements or negotiations, oral or otherwise, between Diallo and ICE, or their counsel, that are not included within this stipulation shall be of any force or effect.

Dated: October 19, 2012
New York, New York

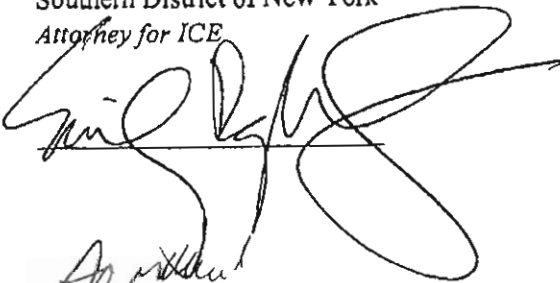
4.) The Clerk of Court is directed to close this case.

CONSENTED TO:

THOMPSON WIGDOR LLC
Attorneys for the Plaintiff

By: 

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for ICE

By: 
As with
Final Pltly 10-22-12
U.S.D.

(2)

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SO ORDERED

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United States District Judge

